

SIKKIM



GOVERNMENT

GAZETTE

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No. 411

**GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL
TASHILING SECRETARIAT
GANGTOK**

No. 113/GEN/DOP

Dated: 19/08/2023

NOTIFICATION

Whereas, the Hon'ble Supreme Court vide its order dated May 19, 2023 passed in WP (C) No. 643 of 2015 in the matter of All India Judges Association versus the Union of India and Ors. with Special Leave Petition (Civil) Nos. 6471-6473/2020 with Contempt Petition (Civil) Nos. 711/2022, 36/2023, 38/2023, 39/2023, 40/2023, 848/2023 in Writ Petition (Civil) No. 643/2015 issued directions to the States to implement the recommendations of Second National Judicial Pay Commission (SNJPC) headed by Justice P Venkatarama Reddy on revised pension and other retirement benefits to retired Judicial Officers with effect from 1/1/2016;

And whereas, the State Government has given its approval for implementation of Justice P. Venkatarama Committee Report as approved and ordered by the Hon'ble Supreme Court on pension and other retirement benefits payable to the retired Judicial Officers;

Now, therefore, in exercise of powers conferred by proviso to Article 309 of the Constitution of India, the Governor of Sikkim is hereby pleased to make the following rules, namely: -

1. Short Title and Commencement:

- (1) These rules may be called the Judicial Officers' Pension Rules, 2023.
- (2) They shall be deemed to have come into force from 1st day of January, 2016.

2. Extent of application:

These rules shall be applicable to the members of Sikkim Superior Judicial Service and Sikkim Judicial Service.

3. Qualifying service:

Qualifying service of a Judicial Officer shall commence from the date he takes charge of the post on his first appointment. A Judicial Officer shall qualify for earning full pension on completion of 20 (twenty) years of uninterrupted service.

4. Pension:

A retired Judicial Officer shall be eligible for monthly pension at the rate of 50% of pay drawn by him in the last month of his service.

5. Commutation of Pension:

Commutation of Pension shall be 50% of the pension with restoration after 15 (fifteen) years.

6. Death-cum-Retirement Gratuity:

- (1) A retired Judicial Officer shall be eligible for Death-cum-Retirement Gratuity up to a maximum of Rs 20 (twenty) lakhs. The maximum limit for Death-cum-Retirement Gratuity shall be increased by 25% whenever Dearness Allowance rises by 50%:

Provided that, in case of Judicial Officers who have retired after 01.01.2016 and paid retirement gratuity as per existing provision and the maximum limit at that time, the differential gratuity payable on account of revision of pay shall be paid subject to maximum of Rs. 20 (twenty) lakhs.

- (2) Family members of judicial officer who dies while in service shall be paid Death-cum-Retirement Gratuity in the same manner as illustrated in (1) above.
- (3) Death gratuity shall be calculated as per rule 50 (1)(a) of Central Civil Services (Pension) Rules, 1972.

7. Pension/family pension of the Judicial Officers who retired/died prior to 01/01/2016:

- (1) The revised pension/family pension of Judicial officers who have retired or died while in service prior to 01/01/2016 shall be as under:

- (a) The existing pension/family pension shall be revised by a multiplying factor of 2.81

OR

Retired/Judicial Officers who expired shall be placed notionally at the corresponding stage of the fitment table indicated below in the revised pay on the basis of last pay drawn at the time of retirement/death and the revised pension/family pension shall be 50%/30% of the revised pay as per fitment table, whichever is higher:

- (b) The benefits of numbers of years of practice at bar subject to a maximum of weightage of 10 (ten) years will be given to direct recruits of the Sikkim Superior Judicial Service, who retired prior to 01/01/2016.

Fitment Table:

Sl. No.	Pay as per FNJPC	Existing Pay	Revised Pay
1	9000	27700	77840
2	9250	28470	80180
3	9500	29240	82590
4	9750	30010	85070
5	10000	30780	87620
6	10250	31550	90250

7	10500	32320	92960
8	10750	33090	95750
9	11050	34010	95750
10	11350	34930	98620
11	11650	35850	101580
12	11950	36770	104630
13	12250	37690	107770
14	12500	38610	111000
15	12800	39530	114330
16	13150	40450	114330
17	13500	41530	117760
18	13850	42610	121290
19	14200	43690	124930
20	14550	44770	128680
21	14900	45850	132540
22	15250	46930	132540
23	15600	48010	136520
24	15950	49090	140620
25	16350	50320	144840
26	16750	51550	149190
27	17150	52780	149190
28	17550	54010	153670
29	17950	55240	158280
30	18350	56470	163030
31	18750	57700	163030
32	19150	58930	167920
33	19600	60310	172960
34	20050	61690	178150
35	20500	63070	178150
36	20950	64450	183490
37	21400	65830	188990
38	21850	67210	188990
39	22350	68750	194660
40	22850	70290	199100

41	23350	71830	205070
42	23850	73370	211220
43	24350	74910	217560
44	24850	76450	224100

(c) These provisions will be effective from 01/01/2016 and will be applicable to judicial officers who have retired or ceased to be in service due to death or retirement prior to 01/01/2016.

8. Family Pension:

- (1) Family pension shall be paid to eligible family member(s) at the rate of 30% of the pay last drawn as per rule 54 of the Central Civil Services (Pension) Rules, 1972 at par with the spouse, after the death of the spouse.
- (2) The quantum of family pension shall be worked out in the same manner as quantum of pension is worked out.
- (3) Income limit, in relation to dependent family members (other than the spouse) for being eligible to get family pension shall be not less than Rs. 30,000/- (Rupees thirty thousand) only per month.

9. Additional Quantum of Pension/Family Pension

- (1) With respect to additional quantum of pension/family pension and calculation thereof, the table furnished below shall be followed:

Age of Pensioner or Family Pensioner	Additional Quantum of pension/family pension
From 70 (seventy) years to less than 75 (seventy-five) years	10% of revised basic pension/family pension
From 75 (seventy-five) years to less than 80 (eighty) years	20% of revised basic pension/family pension
From 80 (eighty) years to less than 85 (eighty-five) years	30% of revised basic pension/family pension
From 85 (eighty-five) years to less than 90 (ninety) years	40% of revised basic pension/family pension
From 90 (ninety) years to less than 95 (ninety-five) years	60% of revised basic pension/family pension
From 95 (ninety-five) years to less than 100 (one hundred) years	80% of revised basic pension/family pension
100 (one hundred) years and above	100% of revised basic pension/family pension.

10. Benefit of one increment to judicial officers retiring on or after 01/01/2016

Judicial officers who retire on or after 01/01/2016 shall have the benefit of one increment becoming due on the next day following the retirement. That increment shall be for the purpose of pension only and shall be subject to vertical ceiling of Rs. 2,24,100/- only.

11. Dearness Relief and other allowances:

- (1) Retired Judicial Officers/family pensioners shall be entitled for Dearness Relief (DR) on their revised basic pension or family pension at the rate of Dearness Relief payable to the retired Central Government employees from time to time with effect from 01/01/2016
- (2) Other existing allowances for retired judicial officers/family pensioners shall continue until further orders.

12. Payment of arrears:

- (1) Payment as per revised rate of pension/family pension shall be made with effect from 01/07/2023 and arrear of pension/family pension for the period from 01/01/2016 to 30/06/2023 shall be made 25% by 31/08/2023, another 25% by 31/10/2023 and remaining 50% by 31/12/2023.

13. Financial Assistance in case of death:

- (1) The benefit of Family Pension as per rule 54(3) of the Central Civil Services (Pension) Rules, 1972, as amended vide notification dated 19/09/2019 shall be extended to the family members.

14. Repeal and Savings:

Judicial Officers' Pension Rules, 2004, issued vide Notification No. 09/FIN/ADM dated 28.1.2005 is hereby repealed.

Provided that any order made or action taken under the Judicial Officers' Pension Rules, 2004 shall be deemed to have been made or taken under the corresponding provisions of these rules.

By order and in the name of the Governor

**Rinzing Chewang Bhutia, SCS
Secretary to the Government of Sikkim**

